

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AUSTIN A. SAFRANEK,

Plaintiff,

v.

HON. CHRISTINE E. WORMUTH, in her
official capacity as Secretary of the Army and
LTG STEVEN W. GILLAND, in his official
capacity as Superintendent of the United States
Military Academy at West Point,

Defendants.

23 Civ. 5985 (JCM)

**STIPULATION AND ORDER OF
DISMISSAL**

WHEREAS, on July 12, 2023, Plaintiff Austin A. Safranek (“Plaintiff”) filed a complaint commencing the above-captioned action (the “Action”) against Defendants Christine E. Wormuth, in her official capacity as Secretary of the Army, and Lt. Gen. Steven W. Gilland, in his official capacity as Superintendent of the U.S. Military Academy at West Point (“Defendants”), seeking judicial review of a decision by the Army Board for Correction of Military Records (“ABCMR”) denying his application for correction of military records;

WHEREAS, on October 2, 2023, this matter was voluntarily remanded to the ABCMR, *see* ECF No. 16; and

WHEREAS, on March 4, 2024, the ABCMR issued its decision on remand, granting Plaintiff the relief he sought in this Action;

IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their respective counsel, that:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), this Action is dismissed with prejudice; provided, that the Court shall retain jurisdiction to adjudicate any application by Plaintiff for attorney's fees and expenses pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

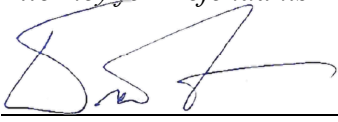
Dated: New York, New York
May 29, 2024

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Dated: New York, New York
May 29, 2024

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SO ORDERED:

HON. JUDITH M. MCCARTHY, U.S.M.J.